

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES ROBERT TAYLOR,

Petitioner,

v.

Case No. 19-cv-11067
Hon. Matthew F. Leitman

NOAH NAGY,

Respondent

/

**ORDER (1) DENYING PETITIONER'S MOTION FOR COMPASSIONATE
RELEASE (ECF NO. 22) AND (2) DENYING PETITIONER'S MOTION
FOR AN EVIDENTIARY HEARING
WITHOUT PREJUDICE (ECF NO. 21)**

Petitioner Charles Robert Taylor is a state prisoner currently confined in the G. Robert Cotton Correctional Facility in Jackson, Michigan. In this habeas action brought pursuant to 28 U.S.C. § 2254, Taylor has filed (1) a motion for compassionate release (ECF No. 22) and (2) a renewed motion for an evidentiary hearing (ECF No. 21). The Court has carefully reviewed both motions and **DENIES** them.

The Court begins with Taylor's motion for compassionate release. That motion relies on a federal statute, 18 U.S.C. § 3582(2)(1)(A), which does not apply to prisoners in state custody like Taylor. *See Pankotai v. United States*, 2021 WL 895811, at *1 (M.D. Pa. Feb. 1, 2021), *R&R adopted*, 2021 WL 880520 (M.D. Pa.

Mar. 9, 2021) (collecting cases). The Court is therefore without authority to grant Taylor his requested relief. In addition, Taylor's compassionate release motion is based on the risk to his health and safety presented by COVID-19. He may mitigate that risk by obtaining one of the widely available vaccines, if he has not already done so.

The Court next turns to Taylor's renewed motion for evidentiary hearing. Taylor has not yet persuaded the Court that an evidentiary hearing is necessary or appropriate. The Court will consider Taylor's request in the future if further development of the record is necessary for the proper resolution of his petition for habeas corpus relief. Taylor need not file another motion on this issue.

Accordingly, for the reasons stated above, **IT IS ORDERED** that Taylor's motion for compassionate release (ECF No. 22) is **DENIED**.

IT IS FURTHER ORDERED that Taylor's motion for an evidentiary hearing (ECF No. 21) is **DENIED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 18, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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